

### REMARKS

This is in response to the Office Action dated July 2, 2010 and is filed along with a Request for Continued Examination (RCE). With this response, claims 1 and 15 are amended, claims 7-9 are cancelled, and all pending claims 1, 3-4, 15 and 17 are presented for reconsideration and favorable action.

In the Office Action, claim 1 was rejected based upon Hildebrandt et al. (US 4,203,517) in view of Goncalves (US 4,386,696). With this response, claim 1 has been amended to clarify that the plurality of exhausting pieces are formed in a lid. This is not shown by Goncalves or Hildebrandt. Further, these exhausting portions extend radially inward and into the exhausting space. This is not shown by either Goncalves or Hildebrandt. Further, independent claim 1 includes a cap which seals the end of a storage tube which is removed when a cap is removed due to the interaction with the plurality of exhausting pieces. This also is not shown by Goncalves or Hildebrandt. Therefore, the rejection against claim 1 and dependent claims 3 and 4 should be withdrawn.

Claim 15 was rejected based upon Goncalves (US 4,386,696). With this response claim 15 has been amended to clarify that the plurality of exhausting pieces are coupled to and formed by a lid which sits on top of a container. This is not shown by Goncalves. These exhausting pieces extend radially inward and are used to remove an inner cap from the end of a storage tube when a cap body is removed from the lid. This also is not shown by Goncalves. Therefore, it is believed that claims 15 and 17 are in condition for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or

cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Judson K. Champlin/

Judson K. Champlin, Reg. No. 34,797

900 Second Avenue South, Suite 1400

Minneapolis, Minnesota 55402-3244

Phone: (612) 334-3222

Fax: (612) 334-3312

JKC:lrs